

JUN 24 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANCIS SAER  
U.S. DISTRICT JUDGE  
S.D.N.Y.

\_\_\_\_\_  
JEFFREY MORRIS, TARAS KICK,  
REBECCA SALAWDEH and STACEY  
ANTALEK, on Behalf of Themselves and All  
Others Similarly Situated,,  
:

Plaintiffs,  
:

vs.  
:

CBS BROADCASTING, INC., CBS  
CONSUMER PRODUCTS, PLANET TOYS,  
INC., TOYS "R" US, INC., WALGREEN CO.  
and HAMMACHER SCHLEMMER & CO.,  
INC.,  
:

Defendants.  
\_\_\_\_\_  
:

Civil Action No. 08-CV-0592(HB)

CLASS ACTION

NOTICE OF VOLUNTARY DISMISSAL OF  
DEFENDANT CBS CONSUMER  
PRODUCTS

USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 6/27/08

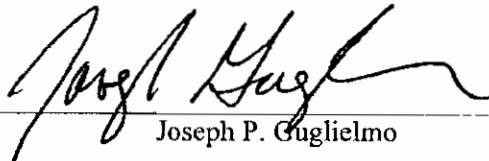
TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), plaintiffs Jeffery Morris, Taras Kick, Rebecca Salawdeh and Stacey Antalek ("plaintiffs") hereby voluntarily dismiss Defendant CBS Consumer Products from this action without prejudice.

Plaintiffs' dismissal of CBS Consumer Products is based in part on the affidavit of the Vice President and Assistant Secretary of CBS Broadcasting, Inc., attached hereto as Exhibit 1.

DATED: June 23, 2008

WHATLEY, DRAKE & KALLAS, LLC  
JOE R. WHATLEY, JR. (JW - 1222)  
EDITH M. KALLAS (EK - 0841)  
JOSEPH P. GUGLIELMO (JG - 2447)  
ELIZABETH ROSENBERG (ER - 5370)



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Joseph P. Guglielmo

1540 Broadway, 37th Floor  
New York, NY 10036  
Telephone: 212/447-7070  
212/447-7077 (fax)

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
JOHN J. STOIA, JR.  
RACHEL L. JENSEN  
PHONG TRAN  
THOMAS J. O'REARDON II  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

PUBLIC JUSTICE, P.C.  
ARTHUR H. BRYANT  
VICTORIA W. NI  
555 12th Street, Suite 1620  
Oakland, CA 94607  
Telephone: 510/622-8150  
510/622-8155 (fax)

BRAYTON PURCELL LLP  
ALAN R. BRAYTON  
PETER FREDMAN  
GREGORY SHEFFER  
222 Rush Landing Road  
Novato, CA 94948-6169  
Telephone: 415/898-1555  
415/898-1247 (fax)

Attorneys for Plaintiffs Taras Kick, Rebecca  
Salawdeh and Stacey Antalek

AUDET & PARTNERS, LLP  
WILLIAM M. AUDET  
221 Main Street, Suite 1460  
San Francisco, CA 94105  
Telephone: 415/568-2555  
415/568-2556 (fax)  
waudet@audetlaw.com

KAMBEREDELSON, LLC  
SCOTT A. KAMBER (SK 5794)  
DANA B. RUBIN (DR 8451)  
11 Broadway, 22nd Floor  
New York, NY 10004  
Telephone: 212/920-3072  
212/202-6364 (fax)  
drubin@kamberedelson.com  
skamber@kamberedelson.com

GOLDENBERG HELLER ANTOGNOLI  
ROWLAND SHORT & GORI, P.C.  
RANDY L. GORI  
2227 South State Route 157  
Edwardsville, IL 62025  
Telephone: 618/656-5150  
618/656-8169 (fax)  
randy@ghalaw.com

GLASSMAN, EDWARDS, WADE &  
WYATT, P.C.

B.J. WADE

26 N. Second Street

Memphis, TN 38103

Telephone: 901/527-4673

901/521-0940 (fax)

Attorneys for Plaintiff Jeffrey Morris

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6/27/08

*Handwritten signature*  
U.S.D.A.

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JEFFREY MORRIS, TARAS KICK, :  
REBECCA SALAWDEH AND STACEY :  
ANTALEK, On Behalf of Themselves and All : 08-CV-0592 (HB)  
Others Similarly Situated, :  
:

Plaintiffs, :  
:

- against - :  
:

CBS BROADCASTING, INC., CBS :  
CONSUMER PRODUCTS, PLANET TOYS, :  
INC., TOYS "R" SU, INC., WALGREEN :  
CO. AND HAMMACHER SCHLEMMER & :  
CO, INC., :

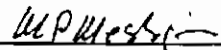
Defendants. :  
-----X

AFFIDAVIT OF MARTIN P. MESSINGER

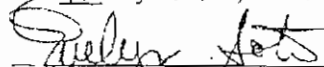
STATE OF NEW YORK )  
 ) ss.  
COUNTY OF NEW YORK )

MARTIN P. MESSINGER, being duly sworn, deposes and says that:

1. I am Vice President and Assistant Secretary of CBS Broadcasting Inc.
2. CBS Consumer Products is a business unit of CBS Broadcasting Inc., and has no independent legal status.
2. CBS Broadcasting Inc. is the only CBS affiliated entity with independent legal status that is or was a signatory to or beneficiary of any of the Planet Toys, Inc. licensing agreements.

  
Martin P. Messinger

Subscribed and sworn to before me  
this 11<sup>th</sup> day of June, 2008.

  
Notary Public

EVELYN SOTO  
Notary Public, State of New York  
No. 31-4959477  
Qualified in New York County  
Commission Expires November 27, ~~18~~  
2009

CERTIFICATE OF SERVICE

I hereby certify that, on June 23, 2008, a true and correct copy of the foregoing Notice of Dismissal of CBS Consumer Products was served on the following counsel as indicated below:

Dated: June 23, 2008

/s/ Elizabeth Rosenberg

VIA US MAIL

**S. Reid Kahn**  
Kane Kessler, P.C.  
1350 Avenue of the Americas, 26th fl.  
New York, NY 10019  
212-519-5129